

Appln. No. 10/669,182

Amendment Dated: November 4, 2004

Reply to Office Action mailed August 6, 2004

REMARKS

Claims 1-27 have been examined.

Claims 1-5, 8-12, 14-20 and 22-27 have been rejected under §102(b) based upon U.S. Patent No. 4,749,365 to Magnifico, et al. (the "Magnifico '365 Patent"). Claims 6-7, 13 and 21 have been rejected under §103 based upon the Magnifico '365 Patent alone and/or in view of secondary prior art references.

Claims 1, 9, 13 and 23 have been amended herein.

New Claims 28-58 have been added.

This Amendment has been prepared in accordance with the revised amendment practice as set forth in revised 37 C.F.R. §1.121 effective July 30, 2003. Reconsideration and allowance of the claims, as amended, are respectfully requested.

Initially, Applicant's attorneys thank Examiner Figueroa for the personal interview conducted on October 27, 2004 in connection with the present application. The interview provided Applicant's attorneys with the opportunity to explain how the present invention distinguishes from the device disclosed in the Magnifico '365 Patent.

Applicant's attorneys note that on October 25, 2004 (prior to the interview), Examiner Figueroa was faxed an informal, proposed set of amended claims for his review and for purposes of discussion at the interview. As discussed at the interview, the aforesaid proposed set of amended claims faxed on October 25th was an informal submission and was not intended to be a formal response to the instant Office Action. As further discussed at the interview, if, by chance, the U.S. Patent and

Appln. No. 10/669,182
Amendment Dated: November 4, 2004
Reply to Office Action mailed August 6, 2004

Trademark Office has inadvertently entered such informal proposed set of amended claims as a formal response, it is understood that such submission would be nullified and superceded by the instant Amendment and Response.

Turning now to the interview, Applicant's attorneys and Examiner Figueroa agreed on revisions to independent Claim 1 which would patentably distinguish the invention recited therein from the art of record, subject to a further prior art search by the Examiner. Pursuant to Examiner Figueroa's instructions, this Amendment is being filed with the U.S. Patent & Trademark Office by fax to fax number (703) 872-9306.

By way of the foregoing claim amendments, the revisions agreed to by the Examiner and Applicant's attorneys during the interview have been effected in independent Claim 1. As a result, it is respectfully submitted that amended independent Claim 1 is directed to an invention patentably distinguishable over the art of record, including the references relied on by the Examiner in the Office Action.

Applicant's attorney notes that, as a result of the foregoing amendment, Claim 1 now calls for a connector that includes a pair of outer legs with at least one the outer legs being notched in the vicinity of a first end thereof so as to form a region of reduced width that creates a pivot point in order to increase the flexibility of such outer leg. With respect to the Magnifico '365 Patent, it discloses a connector having stiff, inflexible outer legs. More particularly, the Magnifico '365 Patent contains no disclosure or suggestion that the outer legs of its connector can be notched in the vicinity of a first end thereof so as to form a region of reduced width that creates a pivot point in order to increase the flexibility of the outer leg. Accordingly, Applicant's attorney respectfully

Appln. No. 10/669,182

Amendment Dated: November 4, 2004

Reply to Office Action mailed August 6, 2004

submits that Claim 1, as amended, is patentably distinguishable over the Magnifico '365 Patent; and, therefore, such claim should be in condition for allowance.

Because Claims 2-27, as amended, depend from amended independent Claim 1, they recite subject matter which is patentably distinguishable over the cited references. Accordingly, Applicant's attorney respectfully submits that Claims 2-27 are also in condition for allowance.

Dependent Claims 9 and 23 have been amended to incorporate minor, technical changes. Dependent Claim 13 has been amended for the purposes of further clarification.

As further discussed at the interview, new dependent Claims 28-29 recite additional features of Applicant's invention. The specification of the original application provides support for new dependent Claims 28-29 (see page 6 of the specification of the application). Because new Claims 28-29 depend from amended Claim 1, Applicant's attorney respectfully submits that new dependent Claims 28-29 should be in condition for allowance.

Turning now to new independent Claim 30, Applicant's attorneys note that it is directed to a combination which includes the connector as recited in the body of amended Claim 1 and the connector's associated housing. The specification of the original application provides for support for independent Claim 30 (see pages 14-15 of the specification of the application). As discussed at the recent interview with Examiner Figueroa, Applicant's attorneys respectfully submit that new independent Claim 30 is patentably distinguishable over the prior art of record for the same reasons that

Appln. No. 10/669,182

Amendment Dated: November 4, 2004

Reply to Office Action mailed August 6, 2004

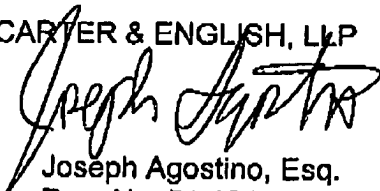
independent Claim 1 distinguishes over such prior art. Therefore, independent Claim 30 should be in condition for allowance along with the claims depending therefrom (i.e., new claims 31-58).

In view of the foregoing amendments and remarks, Applicant's attorneys respectfully request reexamination and allowance of Claims 1-27 and examination and allowance of new claims 28-58. If such action cannot be taken, the Examiner is cordially invited to place a telephone call to the undersigned attorney to resolve any outstanding issue without the issuance of a further Office Action.

In addition, Applicant's attorneys have determined that a fee of \$279 is believed to be due to cover the thirty-one (31) additional claims submitted by way of this Amendment. Accordingly, the Examiner is hereby authorized to charge this \$279 fee to Deposit Account No. 50-1402. If there are any additional fees due as a result of this Amendment, including, without limitation, extension and petition fees, the Examiner is authorized to charge them to Deposit Account No. 50-1402.

Respectfully submitted,

MCCARTER & ENGLISH, LLP

By:  Joseph Agostino, Esq.
Reg. No. 51,191

McCarter & English, LLP
Four Gateway Center
100 Mulberry Street
Newark, NJ 07102
Tel. (973) 622-4444 ext. 4362
Fax (973) 297-3766

NWK2: 1238357.02

Appln. No. 10/669,182

Amendment Dated: November 4, 2004

Reply to Office Action mailed August 6, 2004

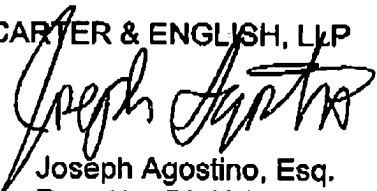
independent Claim 1 distinguishes over such prior art. Therefore, independent Claim 30 should be in condition for allowance along with the claims depending therefrom (i.e., new claims 31-58).

In view of the foregoing amendments and remarks, Applicant's attorneys respectfully request reexamination and allowance of Claims 1-27 and examination and allowance of new claims 28-58. If such action cannot be taken, the Examiner is cordially invited to place a telephone call to the undersigned attorney to resolve any outstanding issue without the issuance of a further Office Action.

In addition, Applicant's attorneys have determined that a fee of \$279 is believed to be due to cover the thirty-one (31) additional claims submitted by way of this Amendment. Accordingly, the Examiner is hereby authorized to charge this \$279 fee to Deposit Account No. 50-1402. If there are any additional fees due as a result of this Amendment, including, without limitation, extension and petition fees, the Examiner is authorized to charge them to Deposit Account No. 50-1402.

Respectfully submitted,

McCARTER & ENGLISH, LLP

By:  Joseph Agostino, Esq.
Reg. No. 51,191

McCarter & English, LLP
Four Gateway Center
100 Mulberry Street
Newark, NJ 07102
Tel. (973) 622-4444 ext. 4362
Fax (973) 297-3766

NWR2: 1238357.02